

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	<b>CASE NO. 8:08CR441</b>
	)	
<b>Plaintiff,</b>	)	
	)	<b>MEMORANDUM</b>
<b>vs.</b>	)	<b>AND ORDER</b>
	)	
<b>WILLIE B. HAYNES,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter is before the Court on the Defendant's pro se motion regarding a potential reduction in sentence under 18 U.S.C. § 3582(c)(2) (Filing No. 89). Defense counsel has been appointed but has not entered an appearance (Filing No. 90).

The Defendant pleaded guilty to Count II of the Indictment charging him with possession with intent to distribute 5 grams or more of a mixture or substance containing cocaine base. The Court departed downward in sentencing him to 188 months imprisonment. The Defendant was held responsible for 28.35 grams of cocaine base. His base offense level of 26 was increased to 37 because he was found to be a career offender under U.S.S.G. § 4B1.1. After an adjustment for acceptance of responsibility his total offense level was 34, and he was placed within Criminal History Category VI. His sentencing guideline range was 262-327 months.

Under the recent amendments to the sentencing guidelines, the career offender enhancement under § 4B1.1 would still apply and, therefore, his total offense level and sentencing guideline range of 262-327 months would remain unchanged.

Accordingly,

IT IS ORDERED:

1. The Defendant's motion regarding a potential reduction in sentence (Filing No. 89) is denied; and
2. The Clerk is directed to mail a copy of this Order to the Defendant at his last known address.

DATED this 26<sup>th</sup> day of March, 2012.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge